

### **REMARKS/ARGUMENTS**

Applicants thank the Examiner for total consideration given the present application. Claims 1-14 are pending in this application. No claims have been added, amended, or cancelled. Claims 1-2, 6-7 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the amendments and remarks presented herein, and earnestly seek timely allowance of all pending claims.

#### **Objection to the Specification**

The Examiner objected to the specification for minor formalities. The abstract has been amended to address this objection. Applicants respectfully request that the objection to the specification be withdrawn.

#### **Claim Objections**

The Examiner objected to the claims, stating there was no claim 10 in the originally filed claims. Applicant respectfully refer the Examiner to the amended claims under Article 34 submitted with the 371 Application documents, which includes the proper listing of the claims (including claim 10) prior to the Preliminary Amendment submitted concurrently with the Application. Applicants respectfully request that the objection to the claims be withdrawn.

#### **Claim Rejections Under 35 USC § 102**

The Examiner rejects claims 1-3 under 35 USC § 102(e) as being anticipated by Nishimura et al. (US Patent Application 2005/0227702). Applicants submit that Nishimura is not prior art under 35 USC § 102(e) as priority is claimed under 35 USC § 119 to April 17, 2003, antedating the critical date of Nishimura. A certified translation of the Japanese priority application is being filed concurrently with this response. Accordingly, Applicants respectfully request the Examiner withdraw his objection to claims 1-3.

#### **Claim Rejections Under 35 USC § 103**

The Examiner rejects claim 4-14 under 35 USC 103(a) as being unpatentable over Nishimura et al. in view of Flint et al. (USP 6,339,400). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant respectfully submits that the Examiner has failed to meet his burden to establish *prima facie* obviousness. As stated above, Nishimura is not prior art under 35 USC § 102, and therefore not available as a reference under 35 USC § 103. Additionally, Flint alone fails to teach or suggest all of the claim limitations in claims 4-14. Accordingly, Applicants respectfully request the Examiner withdraw his objection to claims 4-14.

### CONCLUSION

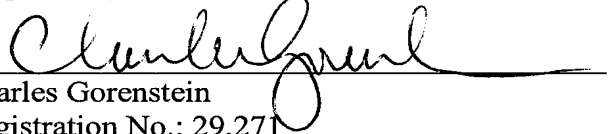
In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein, Reg. No. 29,271 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 15, 2009

Respectfully submitted,

By   
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